

RECORD OF PROCEEDING

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**SOUTHEASTERN COLORADO  
WATER CONSERVANCY  
DISTRICT  
MINUTES**

**January 20, 2022**

A meeting of the Board of Directors of the Southeastern Colorado Water Conservancy District (District) was held on Thursday, January 20, 2022 at 9:33 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado. The ZOOM platform was also made available for Board members and visitors. Mr. Long asked Margie Medina for a roll call.

President Long established that a Quorum was present.

**DIRECTORS PRESENT:**

Alan Hamel	Curtis Mitchell	Mark Pifher
Andy Colosimo	Dallas May	Pat Edelmann
Ann Nichols(remote)	Greg Felt(remote)	Patrick Garcia
Bill Long	Howard Miller(remote)	Seth Clayton
Carl McClure(remote)	Kevin Karney	Tom Goodwin

**DIRECTOR(S) ABSENT AND EXCUSED:**

None

**DISTRICT OFFICIALS PRESENT:**

Executive Director James Broderick; General Counsel Lee Miller; Senior Policy and Issues Manager Chris Woodka; Water Resource Engineer Garrett Markus; Principal Engineer Kevin Meador; Administrator of Finance and Administration Leann Noga; Administrative Support Specialist's Margie Medina and Patty Rivas; and Kogovsek and Associates Christine Arbogast.

**VISITORS PRESENT:**

Barbara Crockett (remote) Jacobs Engineering; Bill Tyner (remote) Division Engineer; Brandon Forbes, Ryan Banta USGS; Brett Gracely (remote) LRE Water; Cathy Garcia (remote), Congresswoman Lauren Boberts Office; Erin Wilson (remote) Wilson Water Group; Gordon Dillon Kleinfelder; Jeffery Deherrera (remote) Pueblo West Metro District; Jenny Bishop (remote) Colorado Springs Utilities; Kevin Salter and Rachel Duran (remote), Kansas Department of Agriculture; Kortney Kelly (remote) Fountain Valley Authority; Mark Scott private Citizen; Mike Holmberg (remote), USBR; Rick Kientz Aurora Water; Travis White JHL Constructors.

**INTRODUCTION OF VISITORS:**

President Long welcomed the visitors to the meeting.

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**APPROVAL OF MINUTES:**

President Long said the minutes of the December 9, 2021 joint District and Enterprise Board meetings were posted to the Board website for review and asked if there were any corrections or additions. Hearing none, Mr. Garcia moved, seconded by Mr. Colosimo to approve the minutes. Motion unanimously carried.

**TREASURER REPORT:**

Leann Noga reported the financial statements for November 2021, and DRAFT December 2021 were posted to the Board website for review. Mr. Karney moved, seconded by Mr. Clayton for acceptance of the November 2021 and DRAFT December 2021 financial statements and payment of the January 2022 bills. Motion unanimously carried.

President Long wanted to address the attendees connected thru ZOOM. There are audio issues that may make it hard to make out meeting content, but that the issue is being worked on by the District in order to better the meeting experience for all.

**ACTION ITEMS:**

**OPEN MEETING RESOLUTION NO. 2022-01D**

Mrs. Leann Noga reported a Resolution Relating to Compliance by the Southeastern Colorado Water Conservancy District with the Colorado Open Meeting Law is required under Colorado Revised Statute §37-45-101 *et seq.* This resolution defines where the public notice of each meeting will be posted at least 24 hours prior to a meeting. After the approval of the resolution, notice will be sent to the County Clerk and Recorder of each of the nine counties within the District boundaries. The Board was provided a copy of the Resolution No. 2022-01D and memorandum to the County Clerk and Recorder.

Suggested motion to adopt Resolution No. 2022-01D, a resolution relating to the compliance by the Southeastern Colorado Water Conservancy District with the Colorado Open Meeting Law. Mr. Edlmann moved, seconded by Mr. Pifher, the Board approve Resolution 2022-01D. Motion unanimously carried.

**STATEMENT OF OPPOSITION IN THE APPLICATION OF CATLIN AUGMENTATION ASSOCIATION, ET AL., CASE NO. 21CW3072 (WATER DIVISION 2)**

Mr. Lee Miller presented an item recommending that the District Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Catlin Augmentation Association; Gardner Farms, LLP; Hidakata Farms, LLC; Marvin Schlegel; and Arkansas Groundwater and Reservoir Association (collectively, "CAA") in Case No. 21CW3072, Water Division 2.

In Case No. 21CW3072, CAA seeks approval of an augmentation plan to replace out-of-priority depletions associated with the pumping of new and existing irrigation wells tributary to the Arkansas River; new conditional water rights for some of the irrigation wells; and further changes of the Catlin Canal Company shares that were previously changed in CAA's Case No. 12CW94 (Water Division 2), which allowed use of the changed shares for augmentation and replacement of out-of-priority depletions and storage of the changed shares in Pueblo Reservoir. The further changes that CAA now seeks for

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CAA members' Catlin Canal Company shares (about 40% of all Catlin shares) would permit CAA to divert the changed shares to recharge facilities for use in recharge projects; to store the water in storage facilities other than Pueblo Reservoir, including John Martin Reservoir and Lake Meredith; and to use the changed shares, either directly or following storage, as a source of substitute supply in CAA's exchanges. CAA also requests approval of appropriate rights of exchange to facilitate its use of the changed Catlin Canal Company shares pursuant to the 12CW94 decree and in the requested augmentation plan. CAA also proposes to use Project return flows allocated and purchased from the District as one of its augmentation sources and as a source of water for the exchanges requested in this application. Staff and counsel recommend filing a statement of opposition to ensure that CAA's augmentation plan is consistent with the District's allocation and sale of Project return flows, and that CAA's proposed decree includes appropriate terms and conditions for the use of Project return flows.

CAA requests to exchange Project return flows into upstream storage (in Pueblo Reservoir) and diversion facilities (the Colorado Canal and High Line Canal). The District will also want to negotiate terms and conditions for these exchanges that are at least as restrictive upon CAA as, and are consistent with, those imposed on the District's exchanges of Project agricultural return flows by the decree in Case No. 01CW151 and related stipulations.

One of the facilities to which CAA proposes to exchange water (both the changed Catlin Canal Company shares and Project return flows) is Pueblo Reservoir; CAA has previously exchanged these Catlin shares and Catlin Winter Water to Pueblo Reservoir (where CAA and its members hold temporary excess capacity storage contracts) with the administrative approval of the Division Engineer. Because CAA's requested exchange may impact the District's rights in Pueblo Reservoir and related operations, the District will also want to assure that any proposed decree in this case includes appropriate terms and conditions to protect Project facilities, the Pueblo flow program, and releases of stored Project water from Pueblo Reservoir for decreed purposes (including hydropower).

Mr. Edelman moved, seconded by Mr. Hamel the District Board authorize Special Water Counsel to file a Statement of Opposition to the Application of Catlin Augmentation Association, Gardner Farms, Hidakata Farms, Marvin Schlegel, and Arkansas Groundwater and Reservoir Association, in Case No. 21CW3072, Water Division 2. Motion unanimously carried.

**MONTHLY/QUARTERLY REPORTS:**

**U.S BUREAU OF RECLAMATION REPORT**

Mr. Mike Holmberg provided a written report reviewing the following, January 13, 2022:

- There were 196,419 acre-feet stored in Pueblo Reservoir; 123,177 acre-feet of Project water; 46,187 acre-feet of Excess Capacity water; 20,699 acre-feet of Winter water.
- There is currently 122,196 acre-feet of Project space in Pueblo Reservoir and 41,237 acre-feet of space in Turquoise and Twin Lakes Reservoirs.
- Charts illustrating storage amounts in Turquoise, Twin Lakes, and Pueblo Reservoir
- Project Reservoirs: Turquoise 91%, Twin Lakes 86%, Pueblo 103% as of January 13, 2022
- Busted Stored Cumulative Imports

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- Total M&I PW in the system as of December 31, 2021:
  - a) East 20,927
  - b) West 9,537
  - c) Pueblo 17,079
  - d) Other 4,044
  - e) FVA 70,450
    - CSU 51,897
    - Fountain 6,361
    - Security 4,882
    - Stratmoor 1,971
    - Widefield 5,340
  
- Winter Operations:
  - a) Currently moving 125 cfs to Pueblo Reservoir
  - b) Target 60 KAF of space available in Upper Reservoirs
    - 1. Currently there is about 40 KAF available
  - c) Movement of water can be adjusted based on forecast and customer needs

DIVISION ENGINEER REPORT

Mr. Bill Tyner presented a report titled *Determining River Transit Loss*, topics of discussion:

- Elements of Transit Loss
  - a) Timing Losses
    - 1) Channel Storage
- Consumptive Losses
  - a) Additional Evaporation
  - b) Transpiration

Implementation for Deliveries/Replacement

- A practice that has drawn some criticism has been that transit losses to ditch headgates are treated differently than transit losses applied to replacement water that is delivered to a stream reach
- Higher transit losses for headgate deliveries often due to the timing aspect of channel and bank storage (no consumptive losses)
- Lower transit losses have been applied when deliveries to a stream reach have been made to replace depletions or maintain return flows because the delivered water is not taken back out of the stream (i.e. channel and bank storage don't have to be deducted; only evaporation losses assumed to be only about 20% of loss)

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### STATE LEGISLATION UPDATE

Mr. Lee Miller provided an update to the Board by reporting the second regular session of the 73rd General Assembly convened on January 12, 2022. A copy of the deadline schedule for the 2022 session was provided to the Board.

The District participates in the Colorado Water Congress State Affairs Committee, which meets most Mondays during the session. Lee Miller serves as one of the vice chairs for the committee. He reported on several newly introduced bills including:

- a. SJR22-002 Water Projects Eligibility Lists (Donovan and McCormick)
- b. HB22-1007 Assistance Landowner Wildfire Mitigation (Valdez/Lynch and Simpson/Lee)
- c. HB22-1011 Wildfire Mitigation Incentives for Local Governments (Cutter/Snyder and Story/Lee)
- d. HB22-1012 Wildfire Mitigation and Recovery (Cutter/Valdez and Ginal/Lee)
- e. SB22-007 Increase Wildfire Risk Mitigation Outreach Efforts (Lee/Story and Cutter/Snyder)
- f. SB22-013 Boards and Commissions (Fenberg/Holbert)
- g. SB22-028 Groundwater Compact Compliance Fund (Simpson/Sonnenberg and Roberts/Catlin)
- h. SB22-029 Investment Water Speculation (Coram/Donovan and McCormick)
- i. SB22-030 Expand Water Resources Review Committee to Include Agriculture (Donovan/Sonnenberg and McLachlan/Catlin)

Lee Miller also reported on a bill concept from Colorado Counties, Inc., regarding “Fire Suppression Ponds Water Rights.”

### COLORADO RIVER ISSUES STATUS

Mr. Lee Miller updated the Board the 2021 CRWUA Annual Conference held on December 14 - 16, 2021. In many years this conference is used as a deadline for unveiling of some new agreement or initiative. The lower basin states of Arizona, California and Nevada used the conference as a forum for signing the “500+ Plan” agreement, which aims to keep an extra 1 million acre-feet of water in the lake over the next two years. Water agencies in Southern California, Arizona and Nevada agreed to find water savings from various sources and split the \$200-million cost with the federal government.

The 500+ Plan is designed to leave an additional 500,000 acre-feet of water in the reservoir this year, and the same amount again in 2023. For comparison, California, Arizona and Nevada used 6.8 million acre-feet of Colorado River water last year. The plan calls for the bulk of water savings to come from Arizona and California.

Water agencies in Arizona have agreed to pay about \$60 million over two years to fund the effort. The Metropolitan Water District of Southern California and the Southern Nevada Water Authority have each agreed to contribute \$20 million. The federal government is expected to pay \$100 million.

### INFORMATIONAL ITEMS:

The Board was provided written material on the following topics, which were posted to the Board website:

- Water Court Resume

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- Director Appointment
- 2022 Annual Conference Calendar
- 2022 Board Meeting Schedule
- 2022 Committee Meeting Schedule
- Special Water Counsel Legal Report
- Colorado Water Congress Jan 26-28 Conference
- FFA February 24-25 Conference
- 2022 DARCA February 24-25 Conference
- 2022 Colorado Rural Water Assoc March 7-10 Conference

President Long asked if there were any other matters to come before the District Board.

Hearing no other matters to come before the Board, Mr. Long adjourned the District Meeting at 11:18 a.m.

Respectfully submitted,

Patty Rivas  
Administrative Support Associate

Secretary

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